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REMARKS

Applicants have carefully reviewed the Office Action dated April 7, 2004, and appreciate the Examiner's comments therein. In light of the following remarks, Applicants respectfully request reconsideration of the pending claims.

In accordance with the Examiner's request, Applicants have amended the first paragraph of the specification to correct the continuity between the present application and U.S. Patent 6,601,868.

In the Office Action, the Examiner rejects claims 1-10 under 35 U.S.C. §101 based on double patenting. Specifically, she argues that claims 1-10 claim "the same invention as that of Claims 1-12 of prior U.S. Patent No. 6601868." However, the Manual of Patent Examining Procedure (MPEP) §804 states, "[s]ame invention' means identical subject matter." See *In re Vogel*, 164 U.S.P.Q. 619 (CCPA 1970) (finding that an "invention defined by a claim reciting 'halogen' is not the *same* as that defined by a claim reciting 'chlorine,' because the former is broader than the latter.")

In this situation, independent claim 1 of the '868 patent includes "a hitch receiver box carried on said cross member," while claim 12 includes "a hitch box carried on said cross member." Since none of claims 1-10 of the present application include this element, the subject matter is not identical and claims 1-10 do not claim the "same invention" as claims 1-12 of the '868 patent. Thus, Applicants respectfully submit that

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no double patenting under 35 U.S.C. §101 exists. Accordingly, Applicants respectfully request that the Examiner withdraw her rejection and issue a notice of allowance for pending claims 1-10.

If any matters require further attention, please contact the Applicants' attorney at the telephone number listed below. The Applicants do not believe any fees are due with this response. Nonetheless, the Applicants authorize deduction of any necessary fees from Deposit Account No. 11-0978 to advance the prosecution of this matter.

Respectfully submitted,

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I hereby certify that this correspondence  
is being sent by facsimile transmission to TC 3600,  
703 - 872 - 9306; c/o Commissioner for Patents,  
Alexandria, VA on 7-2-04

Date July 2, 2004 